

REMARKS

Claim 13 is canceled without prejudice, and therefore claims 12 and 14 to 21 are currently pending in the present application.

In view of this response, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for indicating that claims 13 and 15 to 19 contain allowable subject matter. While the rejections may not be agreed with as to the base claims, to facilitate matters, claim 12 has been rewritten to include the features of claim 13, which has been canceled without prejudice. Also, claims 15, 16, 17, and 18 have been rewritten to include the features of their original base claims. Accordingly, claims 13 (and its dependent claim 14), 15, 16, 17 (and its dependent claim 19), and 18 are allowable. It is therefore respectfully requested that the objections be withdrawn as moot.

With respect to paragraph two (2) of the Office Action, claims 12, 14, 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cardelli et al., EP 1010867, in view of Schwab, DE 4024496.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with as to the base claims, to facilitate matters, claim 12 has been rewritten to include the features of claim 13, which has been canceled without prejudice. Also, claims 15, 16, 17, and 18 have been rewritten to include the features of their original base claims. Accordingly, claims 13 (and its dependent claim 14), 15, 16, 17 (and its dependent claim 19), and 18 are allowable. It is therefore respectfully requested that the rejections be withdrawn as moot. Additionally, claims 20 and 21 have been rewritten to include the features of claim 13. Accordingly, claims 20 and 21, as presented, are allowable for essentially the same reasons as claim 12, as presented.

Accordingly, it is respectfully submitted that claims 12 and 14 to 21, as presented, are allowable.

Conclusion

It is therefore respectfully submitted that all of presently pending claims 12 and 14 to 21, as presented, are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,


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